

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16CV232**

**DENNIS WAYNE ESTES,)
Plaintiff,)
v.)
NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
Defendant.)**

ORDER

This matter is before the Court on Plaintiff's Motion for Attorney's Fee Pursuant to 28 U.S.C. § 2412(d) (# 19). Plaintiff's motion must be denied because his counsel failed to demonstrate that he adequately conferred with opposing counsel. See LCvR 7.1(b) ("Civil motions must show that counsel have conferred and attempted in good faith to resolve areas of disagreement, or describe the timely attempts of the movant to confer with opposing counsel."). In particular, Plaintiff's counsel represents that he conferred with opposing counsel, opposing counsel did not have sufficient time to review the matter, and opposing counsel will do so as soon as she is able. Pl.'s Mot. (# 19) at 1.

Plaintiff's counsel is ADVISED that his filing of the instant motion prior to getting opposing counsel's position defeats the Court's purpose behind the enactment LCvR 7.1(b), which was to allow the parties to resolve those issues that can be resolved without intervention from the Court. Consequently, Plaintiff's Motion for Attorney's Fee Pursuant to 28 U.S.C. § 2412(d) (# 19) is DENIED without prejudice to renew.

Signed: June 13, 2018

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

